

DETAILED ACTION

This office action is a response to Applicant's amendment submitted February 29, 2008, wherein claims 1-25, 29 and 31-32 have been canceled and claim 26 has been amended. Claims 26-28 and 20 are pending and are examined on the merits herein.

The terminal disclaimer filed on February 29, 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,984,731, has been reviewed and is accepted. The terminal disclaimer has been recorded.

In view of the cancellation of claims 29 and 31, all rejections made with respect to those claims in the previous office action are withdrawn.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

In view of the terminal disclaimer filed on February 29, 2008, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,984,731, the rejection of claims 26-28 and 30 on the ground of nonstatutory obviousness-type double patenting is withdrawn.

In view of Applicant's amendment submitted February 29, 2008, the rejection of claims 26-28 and 30 under 35 USC 103(a) as being unpatentable over Hanna et al. in view of Zhuang et al. is withdrawn. Claim 26, as amended, requires that the product is obtained "solely due to the temperature and pressure conditions." This is interpreted to

mean that the reaction conditions consist essentially of temperature of about 150 to 350°C and pressure of about 15 to 29 MPa. The process taught by Hanna et al. requires sodium hydroxide; this does not meet the limitation that the product is obtained solely due to temperature and pressure and thus the claims are no longer considered obvious over Hanna et al. in view of Zhuang et al.

Pages 47-49 of the specification describe the sub-critical state, recite a steaming time of 10-30 minutes, and describe a process which may take place with or without sulfuric acid. The process carried out in the absence of sulfuric acid provides support for the limitation "solely due to the temperature and pressure conditions."

In view of the information discussed above, the indicated subject matter is allowable over the prior art.

Accordingly, Applicant's amendment as discussed above is sufficient to remove all rejections made in the prior office action and to place the application in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAYLA BLAND whose telephone number is (571)272-9572. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anna Jiang can be reached on (571) 272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Layla Bland/
Examiner, Art Unit 1623

/Shaojia Anna Jiang, Ph.D./
Supervisory Patent Examiner, Art Unit 1623